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Attorneys for Plaintiffs and the Proposed Class

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

DAVID and LISA FAIGMAN,
individually and on behalf of a class of
others similarly situated,

Plaintiffs,

vs.

CINGULAR WIRELESS, LLC; and
DOES 1 through 100, inclusive,

Defendants.

Case No. C06-04622 MHP

**STIPULATION RE HEARING ON
DEFENDANT'S MOTION TO
DISMISS AND [~~PROPOSED~~] ORDER**

1 WHEREAS, on October 20, 2006, defendant Cingular Wireless LLC filed a
2 Motion to Dismiss Plaintiffs' Complaint Pursuant to Fed. R. Civ. P. 12(b)(6);

3 WHEREAS, the hearing on defendant's Motion to Dismiss was noticed for
4 December 18, 2006, and a case management conference was scheduled for that same
5 date;

6 WHEREAS, due to the unavailability of plaintiffs' counsel on December 18, 2006
7 and other scheduling restraints that have recently arisen, the parties have agreed to
8 continue the hearing on the Motion to Dismiss and the case management conference;

9 WHEREAS, the parties believe the Court is available to hear the Motion to
10 Dismiss and conduct a case management conference on January 22, 2007;

11 THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between
12 the undersigned counsel that the hearing on defendant's Motion to Dismiss and the case
13 management conference shall be continued to January 22, 2007 at 2:00 p.m.

14 IT IS SO STIPULATED.

15
16 Dated: December 13, 2006

COTCHETT, PITRE, SIMON & McCARTHY
FOUNDATION FOR TAXPAYER AND
CONSUMER RIGHTS

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18 By: *Estim Kersin*
19 *Counsel for Plaintiffs and the Class*

20
21
22 Dated: December 13, 2006

McKENNA LONG & ALDRIDGE LLP

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24 By: *Alb D.*
Counsel for Defendant

PROPOSED ORDER

IT IS HEREBY ORDERED THAT the hearing on Cingular Wireless LLC's Motion to Dismiss Plaintiffs' Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) shall be continued from December 18, 2006 to January 22, 2007 at 2:00 p.m. The case management conference shall also be continued to that date and time.

IT IS SO ORDERED.

Dated: 12/19/06

